

GINSBURG, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 98–818

HAROLD F. RICE, PETITIONER *v.* BENJAMIN
J. CAYETANO, GOVERNOR OF HAWAII

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[February 23, 2000]

JUSTICE GINSBURG, dissenting.

I dissent essentially for the reasons stated by JUSTICE STEVENS in Part II of his dissenting opinion. *Ante*, at 3–12 (relying on established federal authority over Native Americans). Congress’ prerogative to enter into special trust relationships with indigenous peoples, *Morton v. Mancari*, 417 U. S. 535 (1974), as JUSTICE STEVENS cogently explains, is not confined to tribal Indians. In particular, it encompasses native Hawaiians, whom Congress has in numerous statutes reasonably treated as qualifying for the special status long recognized for other once-sovereign indigenous peoples. See *ante*, at 7, and n. 9 (STEVENS, J., dissenting). That federal trust responsibility, both the Court and JUSTICE STEVENS recognize, has been delegated by Congress to the State of Hawaii. Both the Office of Hawaiian Affairs and the voting scheme here at issue are “tied rationally to the fulfillment” of that obligation. See *Mancari*, 417 U. S., at 555. No more is needed to demonstrate the validity of the Office and the voting provision under the Fourteenth and Fifteenth Amendments.